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United States Attorney

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Chief, Criminal Division

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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 13-693 SI
	)	
Plaintiff,	)	DECLARATION OF ASSISTANT UNITED
	)	STATES ATTORNEY TOLKOFF
v.	)	
	)	
ELIJAH COOPER,	)	
	)	
Defendant.	)	
	)	

1. I, Benjamin Tolkoff, declare and state as follows:

2. I am an Assistant United States Attorney (AUSA) and currently assigned as the attorney of record in the captioned matter.

3. In May 2014, AUSA W.S. Wilson Leung assumed responsibility for this matter because I was assigned to the trial team in *United States v. Victor Flores, et. al.*, CR 12-119 SI (N.D.Ca.). That trial commenced June 23, 2014 and finished October 1, 2014.

4. On or about October 16, 2014, Mr. Leung asked me to resume responsibility for the captioned matter because he was scheduled to begin trial before Judge Chhabria on November 3, 2014 (*United States v. Nathan Charlton*, CR 13-591 VC (N.D.Ca.). Mr. Leung also had to leave the country on

DECLARATION OF TOLKOFF  
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1 official travel pertaining to another case.

2 5. On October 31, 2014, I filed Docket No. 79 in the captioned matter. As an exhibit to No. 79, I  
3 attempted to file an application and order for a pen register that was issued by Judge Maria Elena James  
4 on February 27, 2013. I did not file a motion supported by declaration requesting the sealing of that  
5 exhibit because the documents were already sealed, by Judge James. I can find nothing in the local rules  
6 that specifically addresses this situation.

7 6. My understanding of a Stingray device is that it mimics a cell phone tower and is used to locate a  
8 cell phone. The government did not use a “stingray” or any similar devices in this matter.

9 I declare, under penalty of perjury that the foregoing is true to the best of my knowledge and  
10 belief.

11 Date: November 11, 2014.

MELINDA HAAG  
United States Attorney

12  
13 /s/  
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BENJAMIN TOLKOFF  
Assistant United States Attorney  
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